

ORDER NO. 5418

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Robert G. Taub, Chairman;
Michael Kubayanda, Vice Chairman;
Mark Acton;
Ann C. Fisher; and
Ashley E. Poling

Competitive Product Prices
Priority Mail Express, Priority Mail &
First-Class Package Service Contract 17 (MC2017-125)
Negotiated Service Agreements

Docket No. CP2017-177

ORDER APPROVING AMENDMENT TWO TO
PRIORITY MAIL EXPRESS, PRIORITY MAIL & FIRST-CLASS PACKAGE SERVICE
NEGOTIATED SERVICE AGREEMENT

(Issued February 5, 2020)

I. INTRODUCTION

The Postal Service seeks to amend a Priority Mail Express, Priority Mail & First-Class Package Service negotiated service agreement.¹ For the reasons discussed below, the Commission approves the Amendment.

¹ USPS Notice of Amendment to Priority Mail Express, Priority Mail & First-Class Package Service Contract 17, Filed Under Seal, January 29, 2020 (Notice). See also USPS Notice of Errata to Priority Mail Express, Priority Mail & First-Class Package Service Contract 17, January 31, 2020 (correcting error in docket number). The amendment is an attachment to the Notice (Amendment).

In Order No. 3892, the Commission approved the Priority Mail Express, Priority Mail & First-Class Package Service Contract 17 negotiated service agreement (Existing Agreement).² On January 29, 2020, the Postal Service filed notice that it has agreed to the Amendment to the Existing Agreement.

The Postal Service intends for the Amendment to become effective two business days after the date that the Commission completes its review of the Notice. Notice at 1.

II. COMMISSION ANALYSIS

The Commission has reviewed the Notice and the accompanying materials filed under seal.

Cost considerations. The Commission reviews competitive product prices to ensure that each product covers its attributable costs, does not cause market dominant products to subsidize competitive products, and contributes to the Postal Service's institutional costs. 39 U.S.C. § 3633(a); 39 C.F.R. §§ 3015.5 and 3015.7. As long as the revenue generated by the product exceeds its attributable costs, the product is unlikely to reduce the contribution of competitive products as a whole or to adversely affect the ability of competitive products as a whole to contribute an appropriate share of institutional costs. In other words, if a product covers its attributable costs, it is likely to comply with 39 U.S.C. § 3633(a).

The Amendment corrects an error in the name of the contract partner. Notice, Attachment A at 1. The Amendment also updates contract terms related to the applicability of other Postal Service publications, reselling, and record-keeping. *Id.* at 1-2.

² See Docket Nos. MC2017-125 and CP2017-177, Order Adding Priority Mail Express, Priority Mail & First-Class Package Service Contract 17 to the Competitive Product List, May 9, 2017 (Order No. 3892). The contract was later amended. See Order Approving Amendment One to Priority Mail Express, Priority Mail & First-Class Package Service Negotiated Service Agreement, January 8, 2018 (Order No. 4352).

The Amendment does not materially affect the underlying financial analysis of the Existing Agreement. Thus, the Commission finds that the Existing Agreement, as amended, comports with the provisions applicable to rates for competitive products in 39 U.S.C. § 3633(a) and 39 C.F.R. § 3015.7.

Other considerations. The Postal Service states that the Amendment shall become effective two business days after the date that the Commission completes its review. Notice at 1. If the Existing Agreement, as amended, is terminated prior to the scheduled expiration date, the Postal Service shall promptly notify the Commission.

In conclusion, the Commission approves the Existing Agreement, as amended.

III. ORDERING PARAGRAPHS

It is ordered:

1. The Commission approves the Priority Mail Express, Priority Mail & First-Class Package Service Contract 17 negotiated service agreement, as amended.
2. The Postal Service shall notify the Commission if the Existing Agreement, as amended, terminates prior to the scheduled expiration date.

By the Commission.

Erica A. Barker
Secretary